

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **MICHAEL I.  
JONES**

Serial No.: **10/817,538**

Filed: **2004 APRIL 02**

For: **SYSTEM AND METHOD FOR  
THE MEASUREMENT OF OPTICAL  
DISTORTIONS**

§ Attorney Docket No.: **TA-00644**

§

§

§

§ Examiner: **PHAM, HOA Q..**

§

§

§ Art Unit: **2886**

§

§ Confirmation No.: **1211**

§

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail under 37 C.F.R. 1.8 on the date indicated below in an envelope addressed to:

Mail Stop Petition, Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**RENEWED PETITION UNDER 37 C.F.R. § 1.137(b) FOR REVIVAL OF AN  
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY**

Dear Sir/Madam:

The above-identified application became abandoned for failure to timely pay the required issue fee and publication fee. Applicants filed a Petition to Revive under 37 C.F.R. § 1.137(b) on November 13<sup>th</sup>, 2007. Although that petition was originally granted, the decision to grant was vacated because it was discovered no response had been filed for a Notice of Drawing Inconsistency with Specification mailed May 4<sup>th</sup>, 2007.

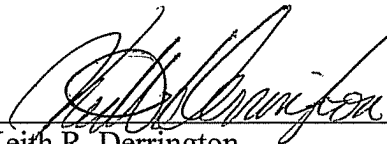
With this Renewed Petition applicant submits an amendment to correct the noted inconsistency. For the convenience of the office also filed herewith are copies of the previously filed petition, the decisions on the petition, and the notice.

Should there be any additional fees necessary for continued prosecution of this Application, the commissioner is hereby authorized to charge those fees to **Bracewell & Giuliani LLP's Deposit Account Number 50-0259.**

Date:

January 25, 2008

Respectfully submitted,



Keith R. Derrington  
Registration No. 44,061  
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(713) 221-3306 direct phone  
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Attorney for Applicant

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\_\_\_\_\_  
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**AMENDMENT**

To the Commissioner for Patents:

In response to the Notice of Drawing Inconsistency with Specification mailed May 4th, 2007, the applicant hereby requests amendment of the above-referenced application for patent and requests an early allowance of the claims of the application.

**Amendments to the Specification** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 3 of this paper.

**Conclusion** begins on page 4 this paper.

### **Amendments to the Specification**

Please replace paragraph [0022] with the following amended paragraph:

[0022] FIGS. 8A and 8B depicts potential configurations set up to determine optical deviations of an aircraft canopy in accordance with embodiments of the present invention;

### **REMARKS/ARGUMENTS**

Claims 1-4, 6-12, 13-18, 21-27, 29 and 30 have been allowed. However a drawing inconsistency with noted where FIGS. 8A and 8B were listed in the description of drawings, but these figures were not included with the application. With this paper applicant requests the specification be amended to replace references to FIGS. 8A and 8B with FIG. 8. As such, this application is in proper form for allowance and its issuance as a patent. An early allowance is respectfully requested.

**CONCLUSION**

It is believed that the foregoing response is full and complete. Applicant respectfully requests reconsideration of the instant application in light of the foregoing response. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of the application, the Examiner is invited to contact the Applicant's representative by telephone or fax.

Respectfully submitted,



Keith R. Derrington

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Attorneys for Applicant

Date: January 25, 2008



JAC  
(I)

In re Application of: **MICHAEL I. JONES**  
  
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Filed: **2004 APRIL 02**  
  
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§ Attorney Docket No.: **TA-00644**  
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§ Examiner: **PHAM, HOA Q.**  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail under 37 C.F.R. 1.8 on the date indicated below in an envelope addressed to:

Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

*Terri Linquist*  
Signature

*11-09-2007*  
Date

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

Dear Sir/Madam:

The above-identified application became abandoned for failure to timely pay the required issue fee and publication fee.

Applicant hereby petitions for revival of this application. Included with this petition is:  
(1) the petition fee of \$1540.00 in accordance with 37 C.F.R. § 1.17(m); (2) the issue fee of \$1440.00, the publication fee of \$300.00, and the issue fee transmittal; (3) a statement that the entire delay was unintentional; and (4) a check for \$3280.00 for the petition, issue, and

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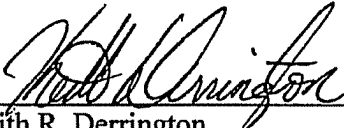
publication fees. Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

Applicant hereby states the entire delay in filing the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Should there be any additional fees necessary for continued prosecution of this Application, the commissioner is hereby authorized to charge those fees to **Bracewell & Giuliani LLP's Deposit Account Number 50-0259**.

Respectfully submitted,

Date: 11-9-07

  
\_\_\_\_\_  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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**BRACEWELL & GIULIANI LLP**  
**P.O. BOX 61389**  
**HOUSTON TX 77208-1389**

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**DEC 13 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Jones, Michael I.	:	
Application No. 10/817,538	:	DECISION ON PETITION
Filed: April 2, 2004	:	
Attorney Docket No. TA-00644	:	


This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 13, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Publishing Division for processing into a patent.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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**BRACEWELL & GIULIANI LLP**  
**P.O. BOX 61389**  
**HOUSTON TX 77208-1389**

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**JAN 10 2008**

**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of :  
Jones, Michael I. :  
Application No. 10/817,538 :  
Filed: April 2, 2004 :  
Attorney Docket No. TA-00644 :

**CORRECTED DECISION**

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 13, 2007, to revive the above-identified application. The petition decision previously mailed on December 13, 2007 is hereby vacated.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition, under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.<sup>2</sup>

The instant petition lacks item(s) (1). Although petitioner did submit the issue and publication fees with the instant petition on November 13, 2007, petitioner failed to respond to the Notice of

<sup>1</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

<sup>2</sup> See MPEP 711.03(c)(III)(C) and (D).

Drawing Inconsistency with Specification mailed on May 4, 2007. A copy of the Notice is enclosed.

Accordingly, corrected drawings are required for revival in the instant application.


Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                 Customer Window located at:  
  
                              U.S. Patent and Trademark Office  
                              Customer Service Window Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By fax:                   (571) 273-8300  
                              ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions

Enclosure:   Notice of Drawing Inconsistency with Specification



10/817538(1631)

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

### NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

The drawings filed 4/2/2004 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figures 8a, 8b are listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figure      is contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH or THIRTY (30) DAYS, whichever is longer**, from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b)**

Failure to correct the above noted inconsistency will result in **abandonment** of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

**Return Corrected Drawings/Specification to:**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450

Alexandria, VA 22313-1450

Office of Patent Publication/Publishing Division  
Customer Service: 571-272-4200  
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FORM PTO-1631 (REV. 10-03)